

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XING YE,
JIA WANG LIN,
HONGYI LIN,
LIANG YAN CHEN,
MAOHUI LIN, and
YONG ZHONG WANG,
on their own behalf and on behalf of
others similarly situated

Plaintiffs,

-versus-

2953 BROADWAY INC.
d/b/a Vine Sushi;
EDWIN QIANG XIN SZE, as Administrator
of the
ESTATE OF CHO KAM SZE a/k/a Tommy Sze

Defendants.

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No. 18 Civ. 04941

[REDACTED] ORDER

LORETTA A. PRESKA, Senior United States District Judge:

WHEREAS, Plaintiffs and the putative class of individuals having made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b), and;

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form and

WHEREAS the Court finding that there exist substantial and sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. Within fifteen (15) days after entry of this Order, Defendants shall furnish to Plaintiffs' counsel a Microsoft Excel spreadsheet containing for each **current and former non-exempt and non-managerial delivery persons** employed at any time from June 04, 2015 to December 31, 2017 by Defendants that individual's

- a. Column A Unique Numerical Identifier;
- b. Column B First Name;
- c. Column C Last Name;
- d. Column D Sex (Male, Female);
- e. Column E Nickname;
- f. Column F Name in Native Language (if applicable);
- g. Column G Position Title
- h. Column H and I Last Known Address with apartment number (if applicable);
- i. Column J City and Zip Code;
- j. Column K Last Known Telephone Number;
- k. Column L Compensation Rate;
- l. Column M Start Date;
- m. Column N End Date;
- n. Column O Last Known Email Address,
- o. Column P Social Media Handles--WhatsApp Username, WeChat ID and/or FaceBook usernames (if applicable) of **ALL current and former non-exempt and non-managerial delivery persons** employed at any time from June 04, 2015 to December 31, 2017 by 2953 BROADWAY INC. d/b/a Vine Sushi, located at 2955 Broadway, New York, NY 10025.

2. **Affidavits:** This mailing list shall be accompanied by an Affidavit from Defendants certifying that the name list is complete and from existing employment records.

3. **No Defendants or Named Plaintiff shall be included in this list.**

4. This mailing list shall be treated by the Parties as confidential.

5. Language & Methods of Dissemination: The Notice of Pendency and Consent to Joinder shall be disseminated, in any relevant language, via mail, email, social media messages, chats, or posts, to all members of the putative class the collective.

6. A short form of the notice may also be published to social media groups specifically targeting the English and Chinese-speaking American immigrant worker community.

7. Relevant languages: include English, English and Chinese language.

8. Web Page: Additionally, in conjunction with dissemination via mail, email, social media social media group and individual chat and posts and text message, a web page shall be established on Plaintiffs' counsel's website which allows for electronic submission of the Consent to Join Form and for potential opt-ins to contact Plaintiffs' counsel for more information.

9. Plaintiff is authorized to create a website where members of the Collective may review the Notice and electronically submit a Consent to Join Form.

10. Time to Mail: Within thirty (30) days after receipt of a complete and accurate (with all fields filled out and with

the correct number of persons) Defendants' Excel spreadsheet, or thirty-six (36) days after the entry of this Order, whichever is later, the Plaintiff or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form via First Class U.S. Mail and email.

11. **Reminder Post Card:** A Reminder Postcard shall issue via First Class U.S. Mail, and a Reminder Notice shall issue via email and text to members of the Collective who, as of half-way through the completion of the notice period, have not submitted a completed Consent to Join Form;

12. **Noticing of Undeliverable Collective Members:**
Plaintiff's counsel may re-mail or re-email notice to any putative collective member whose Notice is returned as undeliverable, with a forwarding address.

13. **Opt-In Period:** The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs must consent to join the action within ninety (90) days from the date notice is mailed.

14. **Reservation of Rights to Compel:** Should Defendants fail to furnish a complete Excel list as detailed in Paragraph 1 above **OR** more than 20% of Notices be returned as undeliverable with no forwarding address, Plaintiff reserves the right to apply to the Court for permission to cause an abbreviated version of the Notice of Pendency, to be published in an English,

English and Chinese [language newspaper and in social media platforms of WhatsApp, WeChat and Facebook at Defendants' expense for Defendants' failure to furnish accurate addresses.

The Court approves the form of Notice of Pendency and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best notice practicable under the circumstances to members of the Class. A copy of the notice will be posted in the agreed upon areas.

SO ORDERED

Date: November 17, 2021
New York, New York


LORETTA A. PRESKA, U.S.D.J.